

### **REMARKS/ARGUMENTS**

Claims 1-11 are pending in the application. Non-elected Claims 12-21 have been withdrawn by the Examiner.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hein '786 in view of Stannard et al. '042. The Office Action acknowledges that Hein '786 fails to disclose an apparatus with porous paddles. Stannard et al. '042 is relied upon as teaching a filter apparatus with a porous filter bed (26) and paddles or blades (44) that agitate the fluid in the filter chamber and scrape the particulate material from the filter bed. The Office Action states that:

The paddles have a front and a back surface (see FIG 6) and horizontal holes 160 drilled in the blade 152 (see FIG 10) in order to assist in removal of filter cakes from the apparatus (see column 6, lines 15-20).

The Office Action further states that:

Stannard clearly illustrates a paddle or blade 152 that comprises a thickness (see FIG 6), with pores 160 that extend through the thickness (see FIG 10), meeting the limitations of the claims.

According to the Examiner:

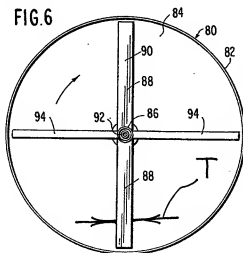
it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the agitating means or paddles disclosed by Hein with porous surfaces and a rotator shaft as disclosed by Stannard in order assist in removal of filter cakes from the apparatus, as taught by Stannard (see column 6, lines 15-20).

Applicants submit that Claim 1 is patentable over Hein '786 and Stannard et al. '042. Hein '786 discloses a laboratory pressure filtering device for fluids which includes a small magnetic stirrer driven by a rotating magnet underneath the filtration unit. Stannard et al. '042 discloses a filtering device for wastewater treatment sludges including a rigid filter bed and a scraper blade assembly which rotates above the filter bed to lift portions of filter cake from the bed. In the embodiments shown in Figs. 7-10 of Stannard et al. '042, the scraper blades include at least one porous plate and an underlying chamber in the blade in which a vacuum is applied to remove liquid from the filter cake that is deposited on the porous plate.

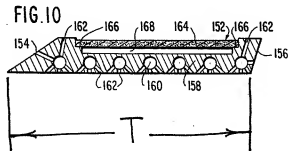
Applicants submit that one skilled in the field of medical devices as presently claimed would not look to the field of laboratory pressure filtering devices of Hein '786 or the field of wastewater treatment sludge filters of Stannard et al. '042 for possible teachings or suggestions as to the design of medical device filters.

Moreover, even if Hein '786 and Stannard et al. '042 could be properly combined as suggested by the Examiner, such a combination would not result in the presently claimed apparatus. For example, even if the scraper design taught by Stannard et al. '042 was used in place of the magnetic stirrer 5 of Hein '786, such a combination would not include a paddle assembly as recited in Claim 1 comprising at least one paddle having front and rear exterior surfaces defining a thickness of the paddle and pores extending through the thickness of the paddle from the front surface to the rear surface of the paddle.

Fig. 6 of Stannard et al. '042 is a top view of a filter apparatus including two scraper blades 88 which rotate in a cylindrical tank 82. The Examiner states that the blades shown in Fig. 6 have a front and a back surface, and relies on Fig. 6 as showing the thickness of each blade. According to the Examiner, the front exterior surface of the paddle as presently claimed corresponds to the front or leading blade surface shown in Fig. 6 of Stannard et al. '042, the rear exterior surface of the paddle as presently claimed corresponds to the back or trailing blade surface shown in Fig. 6, and the thickness of the paddle as presently claimed corresponds to the distance between the front and back blade surfaces shown in Fig. 6. Fig. 6 of Stannard et al. '042 is reproduced below, with the thickness of the blade 88 as defined by the Examiner drawn in and labeled as "T".



The Examiner relies on Fig. 10 of Stannard et al. '042 as showing horizontal holes 160 drilled in a blade 152. According to the Examiner, the pores 160 extend through the thickness of the blade 152, and thus meet the limitations of Claim 1. As shown in Fig. 10 and described at column 6, lines 15-25 of Stannard et al. '042, the scraper blade 152 has a front or scraper end 154 and a back or trailing end 156. Based upon the Examiner's definition of the thickness of the blade noted above, the thickness of the blade 152 shown in Fig. 10 is defined as the distance between the front 154 and back 156 of the blade. Fig. 10 of Stannard et al. '042 is reproduced below, with the thickness of the blade 152 drawn in and labeled as "T".



The holes 160 of Stannard et al. '042 do not extend through the thickness of the blade 152 from its front surface 154 to its back surface 156. Instead, the holes 160 extend parallel to the front and rear surfaces 154 and 156. There is no hole or pore disclosed by Stannard et al. '042 that extends through the thickness of the blade or paddle from its front surface to its rear surface as presently claimed. Therefore, the rejection of Claim 1 based on Hein '786 in view of Stannard et al. '042 is improper and should be withdrawn.

In view of the foregoing remarks, it is submitted that Claims 1-11 are patentable over the prior art of record. Accordingly, an early Notice of Allowance of this application is respectfully requested.

In the event that any outstanding matters remain in connection with this application, the Examiner is invited to telephone the undersigned at (412) 263-4340 to discuss such matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Towner", written in a cursive style.

Alan G. Towner  
Registration No. 32,949  
Pietragallo Bosick & Gordon, LLP  
One Oxford Centre, 38th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
Attorney for Applicants

(412) 263-4340